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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : BUHL et al.
Serial No : 09/890,381
Confirm. No : 1973
Filed : July 27, 2001
For : AXLE SUSPENSION...
Art Unit : 3616
Examiner : FLEMING, Faye M.
Dated : January 16, 2004

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION OF JOHN JAMES MCGLEW

I John James McGlew hereby state as follows:

I am the Applicants representative for the above referenced patent application. Based on information and belief including assignment records regarding this application and US 6,129,367 and my knowledge of the inventors of the above referenced application being employees of ZF Lemförder Metallwaren AG during the time the invention in the above reference application was made, US 6,129,367 and the claimed invention were commonly owned at the time the invention was made. US 6,129,367 is assigned to the same Assignee as the present application and has two inventors in common with the present application. Further US 6,129,367 only qualifies as prior art under 35 U.S.C. Section 102 (e) and therefore shall not preclude patentability under 35 U.S.C. 103. The subject matter of US 6,129,367 and the claimed invention were, at the time the invention was made, owned by the same person (legal

entity-ZF Lemförder Metallwaren AG). I am aware of this fact also because the two inventors of the present application, which are also named inventors of US 6,129,367 were employees of ZF Lemförder Metallwaren AG at the time the above referenced and claimed invention was made they had assigned or had an obligation to assign such invention to ZF Lemförder Metallwaren AG.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Jan 16, 2004
Date


John James McGlew

JJMjms
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